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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/932,704	09/18/1997	HANS-JOCHEN MORPER	P97.1957	5601

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SCHIFF, HARDIN & WAITE
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/932,704

Applicant(s)

MORPER, HANS-JOCHEN

Examiner

Charles R. Craver

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

87

DETAILED ACTION***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11, 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akhavan in view of Wiedeman et al.

Regarding claims 10 and 15.

Akhavan discloses a method for controlling calls in a communication network comprising the steps of calling, using a telephone number, a wireless terminal (310) connected to base stations of a home area (304), said base stations being connected to terminals of the communication network (see FIG 3), the wireless terminal further wirelessly connectable to a sub-communication network (309), switching calls directed to the wireless terminal to a base station in the home area (col 21 lines 51-54), initiating a call setup for a rerouted call in the sub-network using a phone number of the mobile unit, and rerouting the call, given non-availability of the wireless terminal in the home area, using the base station, to the sub-communication network, using call detection (col 21 line 46-col 22 line 2). Akhavan further discloses the utility of ISDN systems (col 11 lines 20-31, col 9 line 63-col 10 line 22). Akhavan does not disclose a step of determining the availability of the mobile unit using the base station.

Wiedeman discloses that it is useful in a signaling network comprising a sub-communication network and a number of home area base stations (12), to determine the availability of a mobile unit in the home area prior to setting up a rerouting of a call (col 7 lines 37-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Akhavan. Akhavan discloses the utility of providing the home area network with means for tracking the location of the user, either in the home area or the sub-network (col 21 lines 59-67). Wiedeman further adds that it is useful to allow the home area base station to make the assessment of the availability of the user. Adding said feature to Akhavan would reduce the number of elements in the network by consolidating features at the base station.

Regarding claim 11,

Akhavan discloses that the availability of the mobile unit is determined by the use of a paging method incorporating a base station (column 7 line 52-column 8 line 5).

Regarding claim 13,

Art Unit: 2682

Akhavan discloses a public switching network (PSTN) and ISDN associated with the communication networks (column 9 line 63-column 10 line 22).

Regarding claim 14,

Akhavan further discloses that the rerouting of the call is realized using call deflection or call forwarding, an ISDN standard (column 17 lines 40-47, column 9 line 63-column 10 line 22).

Regarding claim 17,

please see the rejection of claim 11 above.

Claims 7, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akhavan in view of Wiedeman as applied to claim 15 above, and further in view of the applicant's own admission of prior art.

Regarding claims 8 and 9,

Akhavan and Wiedeman, while disclosing a call deflection method, does not disclose that the paging procedure and wireless base station-to-mobile unit connection is implemented according to a DECT or GAP or CAP standard. The applicant admits as prior art in the background of the invention the method of using a DECT standard or a GAP or CAP standard in a wireless communication connection, which would include paging (applicant page 1 lines 1 -9, page 2 lines 5-9). It would have been obvious to one skilled in the art at the time the invention was made to incorporate the DECT and CAP or GAP standards, taught by the applicant, into the invention of Akhavan in view of Wiedeman, as it would allow the invention to work along with set standards.

Regarding claim 7,

Akhavan in view of Wiedeman, while disclosing a call deflection method, does not disclose that the communication terminal is implemented according to one of an SO and UKO-ISDN access. However, it is well known in the art to apply an access standard such as SO or UKO-ISDN access to an ISDN connection in a wireless communication protocol, and the examiner takes official notice as such. It would have been obvious to one skilled in the art at the time the invention was made to incorporate the SO or UKO-ISDN standards, taught by the applicant, into the invention of Akhavan in view of Wiedeman as it would allow the invention to work along with known standards.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akhavan in view of Wiedeman as applied to claim 10 above, and further in view of the applicant's own admission of prior art.

Please see the rejection of claim 8 above.

Art Unit: 2682

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akhavan in view of Wiedeman as applied to claim 15 above, and further in view of the applicant's own admission of prior art.

Please see the rejection of claim 8 above.

Response to Arguments

Applicant's arguments filed 12/5/05 have been fully considered but they are not persuasive.

The Examiner disagrees with the applicant's assertion that Akhavan fails to disclose limitations of the instant invention. Akhavan discloses in col 21 line 46-col 22 line 2 that a user BS will request call redirection for the user via the HLR. While the call is not rerouted using only the BS, the claims fail to recite such a limitation, stating instead that determining an availability of the called wireless communication terminal equipment is determined by the BS (Akhavan discloses that the BS requests cellular call forwarding) and that when unavailable, redirection is performed to the subnetwork. Such occurs via the BS. While Akhavan does not disclose that the BS is as directly involved in the determination of availability, Wiedeman discloses said availability determination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Craver whose telephone number is 571-272-7849. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHARLES CRAVER
PRIMARY EXAMINER

CC

February 1, 2006